

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

RONALD D. STOUT,

Plaintiff,

CV-08-678-ST

v.

ORDER OF REMAND

MICHAEL J. ASTRUE, Commissioner of Social
Security,

Defendant.

STEWART, Magistrate Judge:

IT IS ORDERED that this matter shall be remanded to the Commissioner of Social Security pursuant to sentence four of 42 USC § 405(g) to assess plaintiff's exertional limitations in light of the testimony from the hearing held in March 1999 before ALJ Rogers, the findings of Dr. Berselli, and all other evidence of exertional limitations in the record. The ALJ shall provide cogent reasons for discounting any such evidence that is not given significant weight in the new decision. The ALJ shall incorporate those exertional limitations in a new RFC assessment, but need not reassess plaintiff's mental impairments. The Commissioner shall apply the Medical

Vocational Guidelines, 20 CFR Part 404, Subpart P, Appendix 2, in accordance with the pertinent Social Security Rulings, based on the new RFC assessment. If necessary, the Commissioner may obtain testimony from a vocational expert based on the new RFC assessment. The Commissioner shall determine whether plaintiff is disabled within the meaning of the Social Security Act and issue a new decision.

DATED this 18th day of February, 2010.

Stewart_____

s/ Janice M.

Janice M. Stewart
United States Magistrate Judge